



Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination 2018

made under subsection 38-40(3) of the

Higher Education Support Act 2003

Compilation No. 1

Compilation date: 5 June 2018

Includes amendments up to: Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Amendment Determination 2018 [F2018N00049]

Prepared by the Department of the Prime Minister and Cabinet

About this compilation

This compilation

This is a compilation of the Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination 2018 that shows the text of the law as amended and in force on 5 June 2018 (the *compilation date*).

The notes at the end of this compilation (the *endnotes*) include information about amending laws and the amendment history of provisions of the compiled law.

Uncommenced amendments

The effect of uncommenced amendments is not shown in the text of the compiled law. Any uncommenced amendments affecting the law are accessible on the Legislation Register (www.legislation.gov.au). The details of amendments made up to, but not commenced at, the compilation date are underlined in the endnotes. For more information on any uncommenced amendments, see the series page on the Legislation Register for the compiled law.

Application, saving and transitional provisions for provisions and amendments

If the operation of a provision or amendment of the compiled law is affected by an application, saving or transitional provision that is not included in this compilation, details are included in the endnotes.

Modifications

If the compiled law is modified by another law, the compiled law operates as modified but the modification does not amend the text of the law. Accordingly, this compilation does not show the text of the compiled law as modified. For more information on any modifications, see the series page on the Legislation Register for the compiled law.

Self-repealing provisions

If a provision of the compiled law has been repealed in accordance with a provision of the law, details are included in the endnotes.

Contents

1 Name.....	1
3 Authority.....	1
4 Definitions	1
5 Rollover of ISSP grant amounts.....	1
6 Conditions on ISSP rollover grant	2
Schedule 1—ISSP rollover grants	3

1 Name

This instrument is the *Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination 2018*.

3 Authority

This instrument is made under subsection 38-40(3) and subsection 38-40(4) of the Act for the purposes of Part 2-2A of the Act.

4 Definitions

Note: A number of expressions used in these Guidelines are defined in Schedule 1 of the Act, including the following:

- (a) annual financial reporting period;
- (b) higher education provider;
- (c) officer;
- (d) postgraduate course of study;
- (e) student.

These expressions are identified in *italics* in these Guidelines.

Act means the *Higher Education Support Act 2003*.

administering officer means an employee in the Department administered by the Minister administering Part 2-2A of the Act.

grant year means the 2017 calendar year.

Guidelines means the *Indigenous Student Assistance Grants Guidelines 2017*.

ISSP grant means a grant provided for under section 5 of the Guidelines in the grant year.

ISSP rollover grant means the amount of the unspent amount of an ISSP grant received by a *higher education provider* for the grant year that, because of section 38-40 of the Act, is taken to be granted to a *higher education provider* under Part 2-2A of the Act in respect of the next following year.

5 Rollover of ISSP grant amounts

For the purposes of subsection 38-40(1) of the Act, the following is determined under subsection 38-40(3) of the Act:

- (a) section 38-40 applies to the following *higher education providers*:
 - (i) Australian Catholic University;
 - (ii) Southern Cross University;
 - (iii) University of New England;
 - (iv) University of Newcastle; and
 - (v) University of Tasmania; and

(b) the amount specified in column 3 of the table is the amount of the unspent amount of the ISSP grant of a *higher education provider* specified in column 2 of the table.

Column 1	Column 2	Column 3
Item	Higher education provider	Amount of unspent amount of ISSP grant
1.	Australian Catholic University	\$570,000
2.	Southern Cross University	\$250,000
3.	University of New England	\$108,725
4.	University of Newcastle	\$438,200
5.	University of Tasmania	\$345,700

Note 1: If section 38-40 is determined to apply to a *higher education provider* in respect of a grant, then the effect of subsection 38-40(1) of the Act is to rollover the amount of the unspent amount of the grant that is determined to the next following year as a new grant under Part 2-2A of the Act.

Note 2: The ISSP rollover grant amount for a *higher education provider* listed in paragraph (a) is the amount specified in column 3 of the table for the provider.

Note 3: Section 164-15 of the Act provides that an overpayment of an amount made to a *higher education provider* may be deducted from a future amount payable or recovered as a debt due to the Commonwealth.

6 Conditions on ISSP rollover grants

For the purposes of paragraph 38-40(2)(b) of the Act, the conditions in Schedule 1 to this instrument are determined under subsection 38-40(4) of the Act to apply to an ISSP rollover grant.

Note 1: A *higher education provider's* approval may be revoked if, among other things, the provider breaches a condition of a grant made to the body under Part 2-2A of the Act: see sections 19-65 and 22-15 of the Act.

Note 2: Part 2-5 of the Act provides that a *higher education provider* may have their grants reduced, or be required to repay a grant, for breaches of conditions of grants, including grants under Part 2-2A of the Act.

Schedule 1—ISSP rollover grants

1 Using an ISSP rollover grant

- (1) A higher education provider specified in column 2 of the table must use the provider's ISSP rollover grant:
- (a) to administer and deliver the activity or activities specified in column 3 of the table for the provider; and
 - (b) in the 2018 calendar year, unless the Secretary has made a determination under subsection 38-40 of the Act in relation to the provider in the next following year.

Description of activity		
Column 1	Column 2	Column 3
Item	Higher education provider	Activity
1.	Australian Catholic University	<ol style="list-style-type: none"> a. Completion of renovation of the outdoor study space at the provider's Banyo campus for the provision of tutorial assistance and to improve access to safe cultural spaces on the campus for Indigenous students to learn and study; b. Implementation of cultural competency strategies and enhancement of cultural understanding through production of materials for the provider's website and on portals for students and officers of the provider as well as to be used at significant events of the provider including graduation ceremonies and orientation days.
2.	Southern Cross University	Establishment of reward scholarships for Indigenous students undertaking a <i>postgraduate course of study</i> as part of an academic pathways project.
3.	University of New England	<ol style="list-style-type: none"> a. Upgrade of the Oorala Centre information technology to improve both the support to Indigenous students and staff of the centre; b. Procurement of book vouchers for Indigenous students in financial need.
4.	University of Newcastle	<ol style="list-style-type: none"> a. Establishment of Industry partnerships for scholarships and work placement opportunities for Indigenous students; b. Establishment and furnishing of tutorial room for Indigenous students; c. Redesign and promotion of Indigenous student tutorial assistance; d. Evaluation of Indigenous student recruitment strategies; e. Replacement of existing vehicle used by Wollotuka Centre staff to support Indigenous students across campuses; f. Implementation of Wollotuka Cultural Standards with local Indigenous community and university elders; g. Development and implementation of improved Indigenous student progress monitoring.

Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination 2018

Description of activity		
Column 1	Column 2	Column 3
Item	Higher education provider	Activity
5.	University of Tasmania	a. Conduct of a workshop to improve engagement by Indigenous students in marine science; b. Engagement of the Indigenous community in ways to improve the inclusion of Indigenous knowledge in the geography curriculum; c. Development and implementation of strategies to encourage Indigenous students to undertake honours program in the area of medical research; d. Development and implementation of strategies to increase the engagement of Indigenous people in initial teacher education courses; e. Establishment of reward scholarships for high achieving Indigenous students; f. Improvement to Health Science Precinct to promote culturally safe learning environment; g. Development and implementation of strategies to recruit Indigenous students into the Bachelor of Nursing; h. Establishment of the Leonie Dixon Indigenous Post-Doctoral Research Fellow; i. Establishment of a senior Indigenous research scholarship.

- (2) A *higher education provider* must not use an ISSP rollover grant to administer any aspect of the provider's business other than delivery of the activity or activities specified for the provider in sub-item (1).

3 Payment a person to deliver activities

- (1) Subject to sub-item (2), a *higher education provider* may use an ISSP rollover grant to pay a person or organisation to deliver an activity specified for the provider in sub-item 1(1) of this instrument.
- (2) In recruiting a person to deliver an activity, a *higher education provider* must give priority to Indigenous persons.
- (3) In procuring an organisation to deliver an activity, a *higher education provider* must give priority to organisations that employ, or provide training opportunities for, Indigenous persons.

4 Reporting

- (1) A *higher education provider* that receives an ISSP rollover grant must give the reports specified in column 2 of the table for activities delivered using the grant to the Minister by the day specified in column 3 of the table.

Reporting		
Column 1	Column 2	Column 3
Item	Report	Date
1.	Acquittals report	Last business day of April of 2019
2.	Performance report	Last business day of April of 2019

Note: In addition to the reports specified in column 2 of the table, paragraph 19-10(1)(a) of the Act provides that a *higher education provider* must give to the Minister a financial statement for each *annual financial reporting period* for the provider in which the provider receives assistance under Chapter 2 of the Act.

- (2) In giving a report to the Minister under sub-item (1), a *higher education provider* may:
- (a) give the acquittals report with the acquittals report for an ISSP grant the provider is required to give to the Minister under item 1 of the table in subsection 17(1) of the Guidelines; and
 - (b) give the performance report with the performance report for an ISSP grant the provider is required to give to the Minister under item 2 of the table in subsection 17(1) of the Guidelines.
- (3) An administering officer may request a *higher education provider* revise a report described in column 2 of the table in sub-item (1) if the administering officer reasonably considers that the form or content of the report is unsatisfactory.
- (4) An administering officer may request any additional information or reports about the use of the ISSP rollover grant.
- (5) A *higher education provider* must comply with a reasonable request under sub-items (3) or (4) within 10 business days of the request, or a longer period specified by an administering officer in writing.

5 Application of the Guidelines

The requirements of subsections 14(2) and (3), section 15 (other than paragraph (a)), section 16, section 35, section 36 and section 37 of the Guidelines apply to an ISSP rollover grant.

Endnotes

Endnote 1—About the endnotes

The endnotes provide information about this compilation and the compiled law.

The following endnotes are included in every compilation:

Endnote 1—About the endnotes

Endnote 2—Abbreviation key

Endnote 3—Legislation history

Endnote 4—Amendment history

Abbreviation key—Endnote 2

The abbreviation key sets out abbreviations that may be used in the endnotes.

Legislation history and amendment history—Endnotes 3 and 4

Amending laws are annotated in the legislation history and amendment history.

The legislation history in endnote 3 provides information about each law that has amended (or will amend) the compiled law. The information includes commencement details for amending laws and details of any application, saving or transitional provisions that are not included in this compilation.

The amendment history in endnote 4 provides information about amendments at the provision (generally section or equivalent) level. It also includes information about any provision of the compiled law that has been repealed in accordance with a provision of the law.

Misdescribed amendments

A misdescribed amendment is an amendment that does not accurately describe the amendment to be made. If, despite the misdescription, the amendment can be given effect as intended, the amendment is incorporated into the compiled law and the abbreviation “(md)” added to the details of the amendment included in the amendment history.

If a misdescribed amendment cannot be given effect as intended, the abbreviation “(md not incorp)” is added to the details of the amendment included in the amendment history.

Endnote 2—Abbreviation key

ad = added or inserted	o = order(s)
am = amended	Ord = Ordinance
amdt = amendment	orig = original
c = clause(s)	par = paragraph(s)/subparagraph(s) /sub-subparagraph(s)
C[x] = Compilation No. x	pres = present
Ch = Chapter(s)	prev = previous
def = definition(s)	(prev...) = previously
Dict = Dictionary	Pt = Part(s)
disallowed = disallowed by Parliament	r = regulation(s)/rule(s)
Div = Division(s)	
exp = expires/expired or ceases/ceased to have effect	reloc = relocated
F = Federal Register of Legislation	renum = renumbered
gaz = gazette	rep = repealed
LA = <i>Legislation Act 2003</i>	rs = repealed and substituted
LIA = <i>Legislative Instruments Act 2003</i>	s = section(s)/subsection(s)
(md) = misdescribed amendment can be given effect	Sch = Schedule(s)
(md not incorp) = misdescribed amendment cannot be given effect	Sdiv = Subdivision(s)
mod = modified/modification	SLI = Select Legislative Instrument
No. = Number(s)	SR = Statutory Rules
	Sub-Ch = Sub-Chapter(s)
	SubPt = Subpart(s)
	<u>underlining</u> = whole or part not commenced or to be commenced

Endnote 3—Legislation history

Endnote 3—Legislation history

Name	Registration	Commencement	Application, saving and transitional provisions
Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination 2018	6 April 2018 F2018N00026	7 April 2018	
Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Amendment Determination 2018	4 June 2018 F2018N00049	5 June 2018	

Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination 2018

Endnote 4—Amendment history

Endnote 4—Amendment history

Provision affected	How affected
s 2	rep LA s 48D
s 5	am F2018N00049

Higher Education Support (Indigenous Student Success Program) (Rollover of Grant Amounts) Determination 2018